

ORDINANCE NO. 2011-11

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE CITY CODE SECTION 10-1-9 (HUNTING); PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH.

WHEREAS, Senate Bill 1334 adopted by the Arizona Legislature in April of 2011, amending A.R.S. §13-3108 provides that a political subdivision of the state shall not enact any ordinance, rule or regulation limiting the lawful taking of wildlife during an open season established by the Arizona Game and Fish Commission unless the ordinance, rule or regulation is consistent with Title 17 and rules and orders adopted by the Arizona Game and Fish Commission, except that political subdivisions are allowed to adopt ordinances restricting the discharge of a firearm within one-fourth mile of an occupied structure, and;

WHEREAS, City Code Section 10-1-9 currently prohibits the taking of wildlife within the city limits subject to the provisions of state law, and

WHEREAS, in order to make the provisions of the Sedona City Code compatible with state law, it is necessary to amend Section 10-1-9;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Amendment to Section 10-1-9

Section 10-1-9 is hereby amended to read as follows:

10-1-9 HUNTING.

A. No person in the course of lawfully taking wildlife during an open season established by the Arizona Game and Fish Commission shall discharge a firearm within one-fourth mile of an occupied structure. For purposes of this paragraph, "take" or "taking" shall have the same meaning as that prescribed in A.R.S. §17-101(A)(18).

B. This section does not apply to the taking of wildlife by duly commissioned law enforcement officers as part of their official duties in maintaining public safety.

Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.


Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

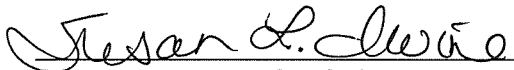
Section 4. Penalty

Any person violating any provision of this section shall be guilty of a Class 1 misdemeanor, and, upon conviction, shall be punished by a fine not to exceed \$2500, or by imprisonment for a period not to exceed 6 months, or by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein, or by civil action pursuant to Article 1-8.D (as amended) of the Sedona City Code.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona, this 25th day of October, 2011.


Robert M. Adams, Mayor

ATTEST:


Susan L. Irvine, CMC City Clerk

APPROVED AS TO FORM:


Mike Goimarac, City Attorney